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ARTICLE



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ABSTRACT

Following 11 September 2001, the New York City Police Department (NYPD) established and expanded counterterrorism and security intelligence capacities to an extent unprecedented for an American local government. These powers necessitated new legislative oversight responsibilities. While the NYPD's efforts to address terrorism have received scholarly attention, City Council oversight of those efforts has not. This study helps fill that gap by examining the amount and nature of City Council – specifically the Committee on Public Safety – oversight hearings pertaining to terrorism and its mitigation. It also discusses additional City Council oversight options and needed research directions.

Introduction

In the months and years after 11 September 2001, New York City's government put in place initiatives to counter terrorism the scope of which was unprecedented in American local government. This included a range of security intelligence and counterterrorism tools at the New York City Police Department (NYPD). Prior to 9/11, such functions had chiefly been the purview of the federal government and entities like the Federal Bureau of Investigation (FBI) and Central Intelligence Agency (CIA). Now, thousands of local police officers and analysts gathered and assessed counterterrorism intelligence, other personnel formed tactical and response units, and some were even assigned to overseas intelligence posts.¹ The NYPD successfully disrupted terrorist plots,² but also demonstrated excesses that seemed to do little to effectively counter terrorism.³ This mixed record may not come as a surprise for a city that had incurred such a horrific tragedy, and in many respects was entering new – or at least greatly expanded – territory. Its confidence in the federal government diminished, self-protective instincts took over, in some cases causing actions that ultimately proved misguided and even counterproductive.⁴

Critically, this development meant new oversight roles and responsibilities for the New York City government, including the executive branch (and as of 2014, the NYPD Inspector General), City Council, the courts, and other key stakeholders such as the media and civil liberties organisations. Effective oversight can help inform policymakers about key issues and practices, in turn better positioning them to prevent or detect abuses and strengthen security-related programmes, practice and management. Of course, the importance of such oversight is not unique to the NYPD, and is required of all security and intelligence programmes, as well as police practice more generally. And while NYPD's security intelligence and counterterrorism functions have been examined by scholars, oversight of those issues and functions has received considerably less attention. To be sure, the need for robust legislative oversight of these NYPD programmes has certainly been identified, and the observations that have been made suggest City Council has been rather aloof.⁵

More generally, it has been observed that ‘Local legislatures are not known for active oversight of police or security agencies,’ and that legislative oversight of police is an understudied area.⁶ We hope this study helps change those things. It is also likely that current policing issues and events – chiefly around treatment of African Americans – will remind the public, policymakers and scholars that legislative oversight of police is a requirement of democratic accountability and the separation of powers. Legislatures make laws and fund public agencies, which can give them tremendous influence. Thus, there are needs and opportunities in both intelligence and policing studies to explore legislative oversight at the local – and state – level. This can test and build on existing theory and empirics, creating opportunities for new conceptual and practical insights.

This article seeks to begin filling these gaps by looking at oversight as exercised by New York City’s legislature, the City Council, with a focus on the Committee on Public Safety (CPS), the committee with oversight jurisdiction for NYPD. We are interested broadly in the sorts of terrorism and security intelligence issues and programs CPS has examined through the use of oversight hearings. The New York City Council is endowed with the power to draft and approve legislation, negotiate the city budget, conduct hearings, and generally monitor the activities of city agencies and programmes, among other powers.⁷ CPS also oversees the Citizen Complaint Review Board, a civilian police oversight body.

Oversight hearings are a key mechanism for City Council and CPS to learn about the substance of terrorism, as well as the new or expanded capacities NYPD has developed. In turn, these hearings help mitigate the information asymmetries that can emerge between CPS and the NYPD. Oversight hearings, and the information gathering functions they serve, are thus among the critical steps in enabling the effective use of other formal and informal mechanisms of legislative oversight, such as lawmaking, budgeting and even face-to-face meetings. As such, this is where our study focuses, mapping the contours of CPS oversight hearings. And while our study is mainly concerned with legislative oversight of police intelligence and counterterrorism, we put those hearings in broader quantitative perspective. We do this by briefly outlining the topics of all CPS oversight hearings and put CPS in broader quantitative perspective with comparisons to activity levels of other committees.

Thus, the article seeks to answer four core questions. First, how frequently does CPS conduct oversight hearings pertaining to terrorism and related policies and practice? Next, what do these oversight hearings address? Third, were these hearings held proactively as CPS scanned agency programmes and issues, or in response to specific events? And finally, what other matters did CPS attend to in oversight hearings and how did overall CPS activity compare with other policy committees?

The NYPD is an important place to start, given its sheer size and the extensiveness of its relevant programmes.⁸ New York City is a cultural and economic centre, and remains one of the most prominent terrorist targets in the world. As such, attacks there can have national and international ramifications, as we have seen. And while no other American city has as large a police force as New York City, scholars can and should build on this study by examining legislative oversight of police in other cities.

Before moving to methods and findings, we address the nature, size and changes of NYPD counterterrorism and security intelligence programmes, discuss operational effectiveness and excesses, and present key literature in governmental, police and intelligence oversight. The article ends with a discussion of oversight options for City Council and CPS, and makes suggestions for future research directions.

Literature review

NYPD counterterrorism and intelligence: structure, practice and problems

Following the attacks of 11 September 2001, New York City responded with profound resource and policy shifts. These developments were a significant part of a broader set of governmental and policy

changes from the local to the federal level. At the sub-federal level, state governments and other major metropolitan areas established security intelligence entities in the form of fusion centres.⁹ Other local governments also established security intelligence capacities, but none as robust as that of the NYPD.¹⁰ Thus, federal agencies new (i.e., Office of the Director of National Intelligence) and old (i.e., CIA) had state and local counterparts.

The NYPD had taken on terrorism issues prior to 9/11, though to a limited extent. In the 1970s and 1980s, the NYPD addressed terrorist activity from Puerto Rican Nationalists and Radical Leftists, and had demonstrated some success in preventing terrorist attacks, including on the subway system in 1997.¹¹ The first Joint Terrorism Task Force was established in New York City in 1980, with a small number of NYPD officers assigned to it. However, following the 1993 World Trade Center bombing, the limited counterterrorism role of NYPD began to erode, and 9/11 solidified that shift.¹²

Local police agencies have community knowledge, reach and relations that make them critical stakeholders in the fight against terrorism, and more local police departments have taken on such security functions.¹³ The range of cultures and languages local police can attract, especially in a big, diverse city like New York, provide unique human capital.¹⁴ Counterterrorism can also be supported by effective community outreach, efforts that can lose efficacy if perceived as purely instrumental.¹⁵ Community closeness and knowledge can also result in aggressive and covert intelligence practices, threatening civil liberties.¹⁶ However, community relationships may condition local police against such practices, in part to sustain needed relationships.¹⁷ The connections that local police have with communities can make them more responsive, accountable and known to the citizens they serve.¹⁸ The localisation of intelligence can also be seen as a counterweight to the post-9/11 growth of federal government activity in homeland and national security.¹⁹

A 2015 study found terrorist attacks have steadily declined in New York City since the 1970s, but with an increasing proportion of 'lone wolf' attacks and Islamic extremism, the latter accounting for 58% of terrorist activities between 2006 and 2015.²⁰ NYPD efforts to thwart such terrorist activity and attacks have experienced successes, though perhaps not as much as it has taken credit for.²¹ Studies have identified at least 9 instances in which the NYPD had helped prevent terrorist attacks, often in tandem with the FBI.²² Those identified and arrested planned to fight overseas, attack public or governmental sites, or purchased or constructed weapons.²³ Surveillance, undercover officers and informants played important roles in these cases.²⁴ Some have observed that NYPD officers have at times essentially duped individuals not actually capable of executing successful terrorist attacks.²⁵ Research on successfully disrupting terrorist plots against the United States has identified conventional law enforcement measures, such as public tips, informants and long-term surveillance as more effective than more high-profile methods, such as the penetration of terrorist cells or enhanced interrogation.²⁶

Central to NYPD's capacity to fight terrorism are the Counterterrorism Bureau and the Intelligence Bureau (previously the Intelligence Division). Shortly after 9/11, NYPD Commissioner Ray Kelly reported that the NYPD was spending approximately 200 USD million annually on intelligence and counterterrorism efforts, with upwards of 1,000 officers.²⁷ Initially, the two entities were under two separate deputy commissioners, but are now situated under a single deputy commissioner.

The Counterterrorism Bureau contains an intelligence analysis unit, bomb and marine units, provides training to officers on indicators of suspicious activity, and participates in the FBI's Joint Terrorism Task Force. It uses gathered intelligence to assess threats and harden potential terrorist targets. Its Critical Response Command is highly trained to respond to terrorist attacks, and also conducts regular deployments to sites that are at a higher risk to be targets of terrorism.²⁸ It houses the Lower Manhattan Security Initiative which collects video footage and license plate data, and operates a set of radiological and chemical sensors. This information is brought together in the Bureau's Domain Awareness System.²⁹ Unlike the Counterterrorism Bureau, the Intelligence Division (now Bureau) was established well before 9/11, but following those events its focus shifted from criminal to counterterrorism intelligence.³⁰ In fact, up to

approximately 95% of its focus has been on terrorism, with officers located in each precinct, a network of collectors and undercover officers, and its own analytic group.³¹

Significant changes have also been made to the federal consent decree, established in 1985 and known as the Handschu Guidelines, to govern NYPD surveillance of political and religious groups. The Handschu Guidelines were the outcome of a 1971 lawsuit, stipulating that NYPD could only monitor and investigate such groups if they had specific information that a crime had been or would be committed. Approvals required the sign-off of two senior police officials and an official appointed by the mayor, and needed to be renewed often.³² These three officials served as an oversight board, and a majority vote was required for the approval of any investigations.³³

Following 9/11, Charles Haight, the federal judge who had approved and overseen the long-standing consent decree, approved a significant change to the Handschu Guidelines. This allowed for investigations to be initiated at the approval of the deputy commissioner for intelligence, and without concrete evidence of a crime, rather than the oversight body.³⁴ The oversight body was retained in a weakened capacity, and could investigate potential abuses after the fact.³⁵ The publishing of a series of stories by the Associated Press (AP) in 2011, which exposed questionable NYPD surveillance practices of Muslim communities, led to the filing of lawsuits against the NYPD.³⁶ In 2017, in response to two of the federal lawsuits filed against the NYPD, a settlement was approved by Judge Haight (and another federal judge) with the NYPD.³⁷ It places an independent civilian representative at the NYPD to track surveillance practices, bans investigations that are compelled by religion, race, ethnicity or nationality, and ceases open-ended investigations.³⁸ The civilian representative can examine the opening, handling and continuation of investigations and report directly to Judge Haight.³⁹ Some of the NYPD surveillance abuses and controversial programmes targeting Muslim communities and other demographics will be returned to below.

The NYPD security intelligence apparatus also extended nationally and internationally. With funding from the New York City Police Foundation,⁴⁰ the NYPD has sent officers all over the world for intelligence gathering purposes, including a number of permanent postings. The International Liaison Program is located within the Intelligence Bureau. Permanent postings have included Israel, Jordan, France, England, Canada, Singapore, the Dominican Republic and Abu Dhabi.⁴¹ NYPD has also been criticised for operating in other states and countries to monitor potential protestors of the 2004 Republican National Convention.⁴² Additionally, the NYPD sent a detective to the CIA's human intelligence training facility and the CIA sent multiple people to work alongside NYPD officers.⁴³

Scholars, journalists and researchers have identified a number of problematic NYPD practices, often relating to approaches toward Muslim populations. Perhaps most importantly, several reporters for the AP won a Pulitzer Prize for their 2011 work on NYPD counterterrorism programmes, leading to an excellent book.⁴⁴ The NYPD was found to have sweepingly targeted and surveilled mosques as well as Muslim businesses and other social gathering places, in part with federal funding.⁴⁵ 'Rakers' from the Demographics Mapping Unit (DMU) would be sent to those locations in plainclothes, or choose locations on their own.⁴⁶ Rakers engaged in 'gauging sentiment' and created extensive files that frequently included rather innocuous information. The ultimate objective was to create an ethnic, religious and nationality map of New York City (and beyond), hoping to identify radicalisation and potential terrorist activity before they fully materialised. The NYPD also used officers to investigate and infiltrate Muslim student groups, including those from other states, and lent some of its officers to the City of Newark, New Jersey in 2007 in order to map that city. A 65-page report was prepared for the Newark Police Department, which the DMU head described as having 'no intelligence value' to NYPD.⁴⁷ Reportedly, the information gathered by DMU never resulted in any terrorism arrests or leads, and the unit was disbanded in 2014.⁴⁸

During this time frame, another major policy shift took place with key implications for NYPD practice and oversight. Following the AP stories, other controversies such as stop and frisk, and calls from organisations such as the Brennan Center,⁴⁹ the City Council undertook to establish an Inspector General (IG) for the NYPD. It did so in 2013. The City Council successfully voted – overriding a Mayoral veto – to create an NYPD IG.⁵⁰ The initial bill was able to leave committee only due to a rare

discharge vote.⁵¹ The IG became operational in 2014. Despite political, bureaucratic and resource limits that can constrain the work of inspectors general, the office represents a potentially robust source of police oversight.⁵² Hypothetically, such an office could conduct intelligence audits, as has been done in other major American cities.⁵³

Legislative oversight

The necessity for legislative oversight of NYPD security intelligence and counterterrorism has been noted by many and the observations available suggest a rather uninterested City Council.⁵⁴ But, following significant events and revelations, such as the AP stories, City Council members themselves have noted the importance of their role in overseeing NYPD.⁵⁵ Faiza Patel and Michael Price of the Liberty & National Security Program at New York University's Brennan Center have written:

The New York City Council should immediately undertake a full, public accounting of the NYPD's intelligence gathering activities to determine whether they adhere to the law, whether they are effective, and whether the current rules are sufficient to protect both the safety of New Yorkers and their right to speak and pray without government intrusion. It should also develop a plan for continuing oversight in order to ensure that abuses do not recur.⁵⁶

While empirical study is lacking, there are certainly explanations on why local legislatures may not be active in overseeing police agencies. In general, politicians can be careful not to appear 'soft on crime,' a hindrance to public safety, or unsupportive of their police agencies.⁵⁷ But, criminal justice reform has been an important policy issue in recent years, and it may become more of a political liability to be 'soft on law enforcement.'

There are also other types of police oversight bodies, though they will not always be particularly well positioned to oversee counterterrorism operations. Civilian oversight and review boards are common.⁵⁸ However, these boards – in New York City, the Civilian Complaint Review Board (CCRB) – tend to focus on individual instances of police abuse rather than practice and policy more broadly.⁵⁹ Further, cooperation from police agencies is not assured, as the CCRB has experienced.⁶⁰ Similar concerns exist regarding internal affairs divisions, whose investigations may be narrow and require that police essentially investigate themselves.⁶¹ Matthew C. Waxman has observed:

Maintaining police accountability through local public and political control is relatively straightforward when local police are focused exclusively on their traditional functions of preventing crime, maintaining order, and providing services. Combating terrorism and other threats to the nation with intrusive powers, however, exerts pulls on local policing that strain these systems and patterns of political accountability.⁶²

In fact, a previous chair of CPS observed that the City Council was not positioned to conduct counterterrorism and intelligence oversight.⁶³ For local legislatures to be most effective in what has been a new area for them arguably necessitates knowledge and resources in terms of dedicated committees (or sub-committees) and expert staff.⁶⁴ These knowledge and information gaps are not necessarily unique to the local level. Even at the federal or national level, oversight bodies can be reliant on intelligence agencies to make judgments about the efficacy of surveillance programmes and technology.⁶⁵

At the federal level, much more empirical research has been done on legislative oversight. Examining the congressional intelligence committees that oversee the IC, which includes many core US counterterrorism entities, Amy Zegart and Julie Quinn compared intelligence committee activity levels to other policy committees, such as foreign relations, commerce and banking.⁶⁶ The intelligence committees were found to hold fewer hearings, and be less productive legislatively, than virtually every other committee. This led to the conclusion that proactive legislative oversight – termed 'police patrol' oversight in the political science literature – was exceedingly infrequent by comparison. It is important to note that police patrol oversight refers to a general approach to legislative oversight, and is not specific to police agencies or activities. But, as Steven J. Balla and Christopher J. Deering would later operationalise in their broader study of congressional hearings,

hearings can be held on both a proactive and reactive basis. Those reactive hearings are termed ‘fire alarm’ oversight.⁶⁷ They note the ‘uncertainty that persists regarding the extent to which hearings are event-driven, on the one hand, or routine, ongoing bureaucratic surveillance, on the other hand.’⁶⁸

Zegart and Quinn also found fire alarm explanations to be inadequate in the context of intelligence oversight. This is largely due to the low number of interest groups available to pull ‘fire alarms,’ but also the reality that there are not strong electoral and geographic-economic incentives in place for legislators to pay close attention to intelligence organisations.⁶⁹ Essentially, at least at the federal level, politicians can do more electorally beneficial things with their time. They can become active when key interest groups and constituencies call attention to problems. It is worth noting that Zegart and Quinn’s findings are based on indirect indicators of fire alarm oversight – i.e., the level of interest group presence – rather than direct measures or frequencies of specific oversight activities. It is unclear to us, in the context of their study, what activities would constitute fire alarm oversight if an ‘alarm’ were in fact to be pulled, as legislative productivity and hearings are both categorised as police patrol oversight.

While a component of the Department of Homeland Security (the Office of Intelligence and Analysis) is a member of the IC, its many agencies are overseen by more than 100 congressional committees.⁷⁰ This can have the perhaps unexpected effect of reducing Congress’s influence vis-a-vis the White House.⁷¹ This can make it comparatively challenging to assess legislative oversight of DHS, whereas legislative oversight of intelligence at the federal level can be studied by looking at the intelligence committees in the House and Senate. This is a similarity with oversight of the NYPD, which falls under the jurisdiction of CPS.

A limit of some of the above studies, also present in this study, is that while insight is provided on the quantity, nature and circumstances of legislative hearings, assessments on the quality of oversight are largely reserved. However, the efficacy of oversight is not easy to measure and ‘often lies in the eyes of the beholder.’⁷² But, these studies also provide a theoretical and empirical jumping off point from which we can begin to study legislative oversight of police intelligence and counterterrorism, even if there is not a precise one-to-one relationship. For example, it seems plausible that there could be a strong electoral connection at the local level, where citizens can expect to more directly encounter or experience police security practices and will suffer the potentially dire consequences if intelligence and security measures fail.

Study data and methods

To gain insight into legislative oversight dynamics, leading studies in political science and intelligence studies have focused heavily or solely on legislative hearings, including primary purpose oversight hearings, to map levels of hearing activity, the focus of hearings, and the circumstances in which hearings are held.⁷³ Primary purpose oversight is differentiated from other types of legislative hearings or meetings, where oversight behavior can occur, but is secondary and more incidental.⁷⁴ We focus here on primary purpose oversight hearings to examine the amount of relevant hearings held, the focus of those hearings, and the circumstances around them. We also mapped all other CPS oversight hearings. This allows us to assess – at a very high level – the relative emphasis on security intelligence and counterterrorism and other policy issues of concern to CPS.

For this study, we looked to the City Council’s Legislative Research Center’s (LRC) online legislation search and calendar functions. In the LRC system, information and activities can be searched for by committee, year, and so forth, and much supporting documentation is provided. In order to determine the overall distribution of CPS oversight hearings, the authors coded and categorised all CPS hearings by policy or functional area, based on committee reports (which we describe below). To build comparative oversight benchmarks across committees, we tracked hearings in other policy areas, such as transportation and education. All data coding and categorisations were done independently by each author to ensure inter-coder reliability.

To determine if an intelligence or counterterrorism hearing was to be coded as police patrol (proactive) or fire alarm (in response to specific events), we employed a set of decision rules modified from Balla and Deering's study, which examined the titles, summary descriptions and witness lists of hearings.⁷⁵ We did not look to witness lists for making determinations as to whether a hearing was being held on a proactive basis or in response to a specific event, as we did not believe they were a reliable indicator for such a judgment (but we did look to them for other purposes). In this study, for hearings to be coded as examples of fire alarm oversight, they must be associated with a specific event that occurred in the previous year. All other oversight hearings were coded as police patrol.

To make these determinations, we assessed the committee reports that precede oversight hearings, as well as the opening remarks that committee chairs make at oversight hearings. Committee reports are relatively uniform, prepared by committee attorneys and analysts. These reports present the stated purpose and topics of scheduled hearings and provide background on the key issues to be addressed. The opening remarks by committee chairs likewise address the central, driving reasons for oversight hearings and offer a form of corroboration. Short of asking committee chairs about the reasons for an oversight hearing, these are the two most formal and consistent ways to ascertain the motivation for a given hearing. And while other recent events certainly come up in the course of oversight hearings, exclusion from the preparatory committee reports and opening remarks can make coding assessments on those events more arbitrary.

In some cases, explicit statements make clear that a given hearing was being held specifically in response to a particular event. In others, significant events closely preceded hearings, and while noted in committee reports, were not always explicitly identified as the reasons for hearings. However, given the immediate relevance of such events or issues, and the often prominent place they held in committee reports, these hearings were coded as fire alarm oversight. There is a small possibility that scheduled hearings triggered some media coverage. But, news coverage tended to come well before hearings and was accompanied by other triggering events that alone would result in coding a hearing as a fire alarm case. We discuss a small number of difficult coding decisions in the findings section.

In line with Zegart and Quinn's study, we selected other 'policy' committees, rather than 'prestige' or 'constituency' committees, to compare with CPS.⁷⁶ In the context of city government, policy committees deal with broad-based, citywide matters, such as public safety, environmental protection, economic development and transportation (we examined the corresponding committees). Prestige committees are seen as more desirable and include committees with fiscal and budgetary powers. Finally, constituency committees focus on more narrow sets of issues and interests. The comparisons in this section are likely better suited to examining CPS broadly, compared with other committees and their level of activity in oversight hearings.

Findings

Mapping counterterrorism and intelligence oversight hearings

Using the LRC system, we identified 141 total oversight hearings held by CPS from 2001 to 2018. The first hearing to address terrorism and NYPD's efforts to protect the city was held on 27 November 2001. Of these 141 hearings, a total of 23 were determined to be directly pertinent to counterterrorism and/or security intelligence generally (i.e., not necessarily in relation to specific NYPD practice) or as an express activity of the NYPD. Hearings that address these issues without an express focus on NYPD still inform CPS's knowledge and understanding, and in turn, their ability to direct, constrain and fund relevant programmes. If CPS oversight hearings were focused on other homeland security issues, such as pandemics and other natural disasters, they were not included in this set of 23 cases. Of course, the knowledge developed and practices and policies addressed could certainly have applications in terrorist events and responses. Similarly, while emergency call-taking

and 911 systems can be important in terrorist events, they are much more broadly used for public safety and security.

These 23 oversight hearings represent approximately 16% of the total CPS oversight hearings held between 2001 and 2018. Almost every one of them prominently featured some facet of the NYPD. Two of these hearings focused on two separate but closely related issues. For example, a hearing on Freedom Tower security also addressed security concerns relating to police input on building structures more generally. These were counted as single hearings.

As would be expected, these hearings also touched on operations of other agencies, such as the Office of Emergency Management, Port Authority of New York and New Jersey, Metro Transit Authority, and the Fire Department of the City of New York. Given this varied organisational and substantive focus, it is not surprising that a majority (16) of these 23 hearings were held jointly with one or two other committees, including the Committees on Transportation, Waterfronts, Environmental Protection and Fire and Criminal Justice Services (now defunct), and others. Likewise, hearings exhibited significant variation in the types of witnesses brought before committees, including a variety of public and private sector stakeholders. Often times, more than 10 people gave testimony in a hearing. This frequently included citizen and industry associations as well as pertinent unions. And given the importance of coordination and communication for responding to terrorist events, city information technology and communication officials were regularly featured.

In three oversight hearings, the committee or committees also used the hearing as an opportunity to consider relevant resolutions and bills. The years and titles of relevant oversight hearings can be found in [Table 1](#) (2001–2009) and [Table 2](#) (2010–2018) below. These tables also present the number of total oversight hearings CPS held each year.

As can be seen in [Table 1](#), a majority of relevant oversight hearings (15 out of 23) occurred between 2001 and 2006. While the reason(s) for each hearing differs on a case-by-case basis, this indicates that the further New York City moved from 9/11 without another major attack, the less oversight focus CPS put on these matters. Between 2007 and 2018, most years featured no more than one such hearing, with the exceptions being 2010 and 2011.

While it is not easy to cleanly separate counterterrorism and security operations and response from intelligence activities, overall, we do see a higher number of cases more focused on the former.

Table 1. Public safety committee oversight hearings on intel and counterterrorism (CT), 2001–2009.

Year	Total Hearings	Intel and CT	Hearing Titles
2001	5	1	<ul style="list-style-type: none"> ● Safety in New York City Public Spaces
2002	9	3	<ul style="list-style-type: none"> ● NYPD's Anti-Terrorism Efforts ● NYPD's Response to September 11 and Its On-going Anti-Terrorism Efforts ● OEM and Interagency Response
2003	12	2	<ul style="list-style-type: none"> ● Health Care Response and Emergency Coordination in the Event of a Nuclear, Biological or Chemical Attack
2004	11	3	<ul style="list-style-type: none"> ● Safety, Security and Preparedness in the New York City Subway System ● Citywide Incident Management System (CIMS) ● Security of the New York City Water Supply
2005	10	2	<ul style="list-style-type: none"> ● Private Security and Private Security Guards in the Age of Terrorism ● CityWide Incident Management System (CIMS)/NYPD & FDNY Roles at Hazardous Materials (HAZMAT) Incidents
2006	10	4	<ul style="list-style-type: none"> ● Security Concerns Surrounding the Freedom Tower/Incorporating Security Measures and Police Concerns in the Design and Construction of Large-Scale Buildings and Developments in New York City ● Port Security in New York City ● The Use of Surveillance Cameras to Fight Crime and Prevent Terrorism ● The Effect of Homeland Security Funding Cuts on New York City's Terrorism Preparedness ● Improvements in Communication Technology Among First Responders
2007	10	1	<ul style="list-style-type: none"> ● MTA and NYC Subway System Emergency Evacuation Plans, Protocols, and Procedures
2008	6	1	<ul style="list-style-type: none"> ● Status of the Implementation of the Citywide Mobile Wireless Network
2009	9	1	<ul style="list-style-type: none"> ● Learning from Terrorism in Mumbai: New Threats – Old Problems

Table 2. Public safety committee oversight hearings on intel and counterterrorism (CT), 2010–2018.

Year	Total Hearings	Intel and CT	Hearing Titles
2010	5	2	<ul style="list-style-type: none"> • The Proposed 9/11 Trials in Lower Manhattan: Exploring the Ramifications and Alternatives • Are We Doing Enough to Keep Straphangers Safe?
2011	8	2	<ul style="list-style-type: none"> • First Responder Communications Ten Years After 9–11 • Safety in New York City Ten Years After 9–11
2012	4	0	NA
2013	6	0	NA
2014	7	1	<ul style="list-style-type: none"> • Examining New York City's Emergency Planning and Preparedness for Terrorist Attacks
2015	9	0	NA
2016	3	0	NA
2017	9	0	NA
2018	8	0	NA

Perhaps the best way to assess CPS's level of true interest in learning specifically about NYPD intelligence operations is to look at how often NYPD intelligence officials are called to testify at oversight hearings. What we see is that officials with terrorism and homeland security responsibilities testified more frequently than intelligence officials, who came before CPS in four oversight hearings. Former CIA official and NYPD Deputy Commissioner of Intelligence David Cohen testified twice in 2002, shortly after 9/11 and his arrival at NYPD. In both of those hearings, the Deputy Commissioner for Counterterrorism also testified. Subsequent to these hearings, somewhat lower level NYPD counterterrorism officials (i.e., assistant chiefs, deputy inspectors and coordinators) testified on a handful of occasions, joined once by the Commanding Officer of the Intelligence Division's Terrorism Incident Prevention Unit. Thus, most of this testimony was given in early years of heightened oversight. In 2014, Deputy Commissioner of Intelligence and Counterterrorism John Miller testified. At that point, the deputy commissioner positions for intelligence and counterterrorism had been merged. This was done to enhance cooperation and information sharing.⁷⁷ To be sure, the Police Commissioner and other senior NYPD officials also frequently testified throughout the study period.

In the period 2001 to 2006, we see early hearings that address more general terrorism and policing issues, as well as interagency response and communication. This period also included a number of oversight hearings featuring academics, in part as committee members sought external input and expertise in areas still somewhat new to them. Subsequent hearings in that time frame focused on more specific threats and targets, including WMD as well as subway, water and port security. Interagency dynamics continued to be addressed on an almost yearly basis. Between 2002 and 2004, Council members sponsored three resolutions calling on City Council to denounce and hold oversight hearings on changes to the Handschu Guidelines, but the resolutions were not adopted. In 2005 and 2006, CPS hearings addressed security dimensions of the proposed Freedom Tower design, as well as federal homeland security funding cuts and the effects those cuts would have on NYPD counterterrorism and security intelligence operations. The end of the 2000's (2007 to 2009) saw continued attention on subway safety and interagency response and communication, with external events – in this case the terrorist attacks in Mumbai – triggering CPS to ask 'the New York question.'

Since 2010, there have been less CPS hearings focused on issues of terrorism and NYPD's response. We identified 5 such hearings. This corresponded with lower levels of CPS oversight hearings overall. And while the frequency lessened, similar topics remained, including subway security and emergency response communication. Two hearings were held at the 10-year mark of 9/11. It is worth noting that these hearings occurred subsequent to the release of the Pulitzer Prize-winning AP stories. In 2010, the potential for holding the 9/11 trials in lower Manhattan was also addressed (they will not be held there). While City Council did schedule an oversight hearing in 2016 pertaining to a lawsuit on NYPD surveillance of Muslims, the hearing was postponed.

In their opening statements, CPS Chairs tended to strike a rather conciliatory tone toward the NYPD, and local public safety personnel in general. They often noted that their policymaking positions mandated such oversight to support informed decision-making. But, when police or other city officials did not accept invitations to testify, Chairs certainly made that known. And to be sure, CPS Chairs did express repeated displeasure with the Metropolitan Transportation Authority and the Citywide Incident Management System. They were also quite comfortable being more antagonistic toward state and federal government, with one CPS Chair going so far as to say that then Secretary of Homeland Security Michael Chertoff did not have the 'guts' to testify.

When looking at overall CPS hearing activity in these areas, it is again worth noting that the NYPD is a large and varied organisation with many functions and responsibilities. Further, it has encountered a number of other controversial and high-profile issues such as stop-and-frisk and excessive use of force. Thus, the limited members, staff and resources that comprise CPS must concurrently be focused on any number of other policies and issues. But, it could be a defensible argument that given the potential implications for city security and civil liberties, additional attention might well be warranted. Just as assessing the efficacy of oversight hearings is inherently difficult and subjective, it is also challenging to identify what amount of oversight hearings is necessary to address key or ongoing issues.

Counterterrorism and intelligence oversight hearings: police patrols or fire alarms?

A majority of oversight hearings (18 of 23) were conducted in response to specific and recent events, including media coverage of those events. The remaining five hearings were coded as police patrol oversight. These results certainly suggest a more reactive posture on legislative oversight of the challenges and tools of counterterrorism. Of the 18 fire alarm cases, 14 occurred between 2001 and 2006. Not surprisingly, the first three hearings held by CPS were designated fire alarm oversight, as each was in response to the attacks of 11 September 2001. Other fire alarm hearings were in response to new institutions and systems, including the establishment of the Office of Emergency Management and the Citywide Incident Management System (CIMS). Major external events, such as the reduction of federal funding for homeland security initiatives, a proposal to hold the 9/11 trials in Manhattan, and the terrorist attacks in Mumbai also triggered CPS oversight hearings. Oversight hearings that were held on a proactive basis included coordinating responses to WMD attacks, interagency communication and information sharing, and general preparedness for terrorist attacks and incidents.

Given that there is little research in this area, and with an eye toward growing and advancing the field, it is worth exploring some of the small nuances and challenges that can come with fitting hearings into the police patrol-fire alarm dichotomy. In a small number of cases (4), the authors felt neither of the models was a perfect fit, at least as other scholars have conceptualised and operationalised them. That said, we did ultimately arrive at one or the other. We conclude this section with a discussion of some of those challenges, which we also think is in the interest of transparency.

There can be hearings held very soon after significant external shocks, such as the AP stories on NYPD in 2011, without any mention of those events in committee reports or opening remarks. In that particular case, the stated, advance purpose of the hearing was proactive in nature, not pointing to a specific event, and we deferred to that. But, there are clear reasons to have questions about that, and in fact the AP stories received considerable attention in that hearing. It is quite surprising that no comment was made on the AP stories in the Chair's opening statement. Further, those present to testify included representatives from the Council on American-Islamic Relations, the New York Civil Liberties Union, and the Brennan Center, among others. NYPD's relationship with the CIA was addressed in the same hearing (and connected to the AP stories). And, it is also worth noting, while hearings that focused expressly or solely on these controversial matters were not held, they certainly were considered at least in some hearings.

A 2010 hearing on subway safety, which we coded as fire alarm oversight, took place following a series of state comptroller reports, as well as a number of terrorist attacks overseas, in the years

preceding it. Thus, it seemed more that a certain threshold had been met as these reports and attacks stacked up across a number of years, rather than any single report or event independently triggering the oversight hearing. A subway stabbing had also occurred approximately a month prior, though the comptroller reports and other attacks seemed to loom a bit larger. While both authors agreed this hearing was not a case of police patrol oversight, it also could not easily be connected to a single event. We ultimately coded this as a case of fire alarm oversight.

Two additional hearings were meant to examine specific projects in the context of impending deadlines, which we categorised as police patrol. While a deadline could be considered a specific event, the authors felt that monitoring project deadlines was more in line with the ongoing and proactive nature of police patrol oversight.

Committee on public safety oversight hearings: where are the electoral connections?

It is also instructive to briefly look at the 118 oversight hearings CPS conducted that did not expressly relate to counterterrorism. Mapping the issues that legislatures and pertinent committees take up, and in what measure, is a key need in the policing literature. This can give an indication of what is prominent on the City Council's agenda, where the more salient electoral connections can be found, and how intelligence and terrorism issues compare with oversight of other police matters. More deeply examining these hearings is beyond the scope of this article, but should be taken up in future research.

CPS conducted 6 oversight hearings examining the Civilian Complaint Review Board, the NYPD Inspector General, and internal NYPD oversight. While keeping tabs on these entities is a good sign, the inherent structural limits of each cannot be overlooked. We did identify one NYPD IG report pertaining to surveillance.⁷⁸ As noted above, CPS also conducted a number of oversight hearings on emergency situations and response. These 11 hearings addressed blackouts, preparedness and response relating to natural disasters in general, the avian flu, the H1N1 virus, hurricanes (including Hurricane Sandy) and severe winter weather.

We also identified 7 hearings on 911 and emergency response systems, as well as 5 on community policing and relations. The insights gleaned from these hearings, while not focused on terrorism or terrorist attacks per se, can certainly help better prepare the city and emergency responders to address a variety of homeland security issues and responsibilities. And while community policing is multifaceted and serves a variety of purposes, CPS identified the importance of police outreach to minority demographics and immigrants, and the challenges of police-immigrant relations post-9/11.

CPS focused on a number of other key policy and issue areas. This included considerable attention overseeing safety in schools (11) and other publicly-owned places, such as in public housing complexes (5) and parks (2). These hearings were held with a relatively even temporal distribution. Traffic and pedestrian safety added 5 hearings. Violence, abuse, and child welfare and neglect also factored prominently in CPS oversight hearings, with 9 hearings on sexual assault and offenses, 2 on domestic violence, and 2 on child welfare. An additional hearing examined both sexual and domestic violence perpetrated against women who had immigrated to New York City, and several of the hearings in this category explicitly examined NYPD responses and operations. Sex trafficking and prostitution, including child prostitution, were the subject of an additional 2 oversight hearings.

Gang activity and issues were also among the more common types of oversight hearings (7). Multiple oversight hearings were also held on drug issues and enforcement (5), including the prescription drug epidemic, graffiti (4), mental health and the criminal justice system (4), profiling/stop and frisk (3), and hate crimes (3). Two hearings were held on crime statistics, mapping and analysis. Additional issues addressed included identity theft, bank robberies, DWI and gun control (1 each).

Finally, some of the core mechanics and foundations of police work and criminal procedure received significant attention from CPS. Eighteen such cases were identified. These included hearings on police custody practices, obtaining and executing search warrants, forensics and crime scene

Table 3. Comparative oversight hearings: Selected policy committees, 2002, 2006, 2010, 2014 and 2018.

Year	Intel and CT (CPS)	Other CPS	CPS	Transportation	Economic Development	Environmental Protection
2002	3	6	9	7	11	8
2006	4	6	10	15	7	6
2010	2	3	5	12	3	5
2014	1	6	7	6	5	6
2018	0	8	8	6	6	5

investigations, the handling of missing persons cases, undercover investigations, the practice of deploying auxiliary police, officer training (specifically pertaining to the use of force), and crowd control. New York City Summons Courts, the proffering of indigent defense, wrongful convictions, and the prosecution of jail violence also received oversight hearings. In three oversight hearings, CPS looked into matters of personnel, finance and administration, including hearings on staffing, diversity, recruitment and promotion.

Comparing oversight hearings: CPS and other policy committees

CPS has responsibility for overseeing police counterterrorism and intelligence, but also the remainder of NYPD programmes and operations. Here, we put total CPS oversight hearing activity in the context of the larger City Council with comparisons to a few of its other policy committees. Looking at [Table 3](#), we see that the typical number of hearings held by CPS was fairly comparable to the number held by other policy committees in those years (2002, 2006, 2010, 2014 and 2018). CPS conducted between 5 and 10 hearings each year, while Environmental Protection conducted between 5 to 8 hearings, and Economic Development had a slightly broader range, holding between 3 and 11 hearings in these years. The Transportation Committee had two particularly active years, by comparison, and overall averaged 1 to 3 more hearings than the other policy committees selected.

While it is difficult to identify what the appropriate number of oversight hearings is, our small sample does indicate that CPS was, on average, more active than 2 of the 3 committees it was compared with.

Discussion and conclusion

After 9/11, New York City built security intelligence and counterterrorism capacities unprecedented in American local government. This meant that a local legislature became an overseer of counterterrorism intelligence agents. This role is critical for the prevention of excessive and unhelpful measures, such as the Demographics Mapping Unit, as well as the smart, effective use of limited resources.

Oversight hearings provide a key mechanism for legislators to learn the substance of public policy, which is likely one of the reasons a comparatively high number of counterterrorism and intelligence hearings were held in the 5 years following 9/11. It also stands out that after the first decade, oversight in these areas dropped quite significantly. However, this may not be too surprising, as 9/11 identified key challenges and led to profound policy changes. This got the attention of CPS and City Council, attention that seemed to slowly fade as 9/11 moved further away without subsequent major attacks. But, problems did occur in that second decade, as we have seen, and as legislatures grow more detached from oversight roles, the possibility of problems cropping up undetected increases.

Nonetheless, in the more immediate post-9/11 years, we see that terrorism was electorally salient to committee members, often in response to specific events. Looking cumulatively across CPS

oversight hearings, we see that emergency management, school safety, violence, abuse and neglect, and the admittedly broad category of procedure and practice were also of leading concern.

While we found CPS to be rather active when it came to oversight hearings on terrorism issues, a review of CPS-initiated legislation yielded only a couple instances of directly related laws, one of which was passed after our study period. Thus, we see it is possible to use one oversight tool (i.e., hearings) and not another (i.e., statutes). And again, this is not to say that CPS is not properly overseeing the NYPD when it comes to these issues, but that oversight did not necessarily manifest in the practical or political impetus for policy change. It might also suggest a statutory deference, as the committee may want to signal its interest and concern, but ultimately be legislatively passive to avoid potential criticism.

The closely related laws that were passed demonstrate the real challenges that can emerge in the political process. For example, the City Council did successfully establish the NYPD IG, but only after a maneuver that required overruling the wishes of both the CPS chair and the mayor. Additionally, the POST Act, which stands for Public Oversight of Surveillance Technology, had stalled in City Council since it was first introduced in 2017.⁷⁹ The Act, which mandates the NYPD disclose information to the public, City Council and mayor about the use and impact of its surveillance programmes, had faced strong opposition from NYPD officials.⁸⁰ In June of 2020, the POST Act passed City Council 44–6, with Mayor Bill de Blasio, who had voiced opposition to the bill, conveying he intended to sign it into law.⁸¹

Some homeland security-related laws have also been enacted by CPS, including for example a series of statutes in response to Hurricane Sandy in 2013, as well as laws relating to public services during emergencies. But, like some of the hearings discussed above, while these laws could certainly come into play during or after a terrorist event, they were not inspired by the issue and address much broader scenarios.

It is also important to remember the many other oversight stakeholders that have influenced policy regarding NYPD intelligence and counterterrorism, in some cases bringing attention to issues City Council then takes on, as with the establishment of the NYPD IG. The Brennan Center advocated for an NYPD IG, offering a comprehensive plan for such an office.⁸² Of course, key events (such as stop and frisk) also helped bring the need for an NYPD IG to the fore. Other advocacy groups also played key roles, including filing successful lawsuits subsequent to the Pulitzer Prize-winning AP stories. These lawsuits resulted in changes to the federal consent decree and NYPD policies and practices. Both of these dynamics demonstrate the interconnected nature of oversight, as well as the importance of organised groups that can pull fire alarms. It might also be suggested that these stakeholders and actions provided alternative avenues for redressing important issues, and almost something of a release valve for City Council.

There are a number of other steps that could be taken by the City Council and CPS if they wanted to further enhance the ability to oversee NYPD intelligence and counterterrorism programmes. CPS could establish a dedicated subcommittee, with associated staff capacity. However, it could be reasonably argued that other policy issues CPS must deal with are also worthy of specialised attention. But, something of a middle ground would be for CPS to hold an intelligence and terrorism-specific oversight hearing at least once each year. Conversely, or concurrently, City Council could require the NYPD IG to more deeply and regularly examine and report on the city's intelligence and counterterrorism operations to ensure compliance, legality, efficacy and cost-efficiency. Both measures would put the City Council in a better position not only to assess practices and performance, but to make changes and improvements accordingly, helping ensure a robust voice in balancing liberty and security in New York City.

This article is a needed but modest start, and further study should examine other mechanisms of City Council oversight, including for example informal relationships between legislative overseers, their staffs and NYPD officials. Case studies could help illuminate the internal dynamics of CPS oversight of counterterrorism and other police operations, and could attempt to assess the efficacy and tenor of oversight hearings. Mary M. Cheh's study is an excellent demonstration of the value of

a deep-dive into a single case.⁸³ Other committees with broad homeland security responsibilities, such as Fire and Emergency Management, could also be examined. More than that, a Council-wide study could provide broader insight into legislative oversight in a major city government.

Studies should also be undertaken in other large American cities where homeland and national security functions have emerged. For example, the Chicago Police Department established the Bureau of Counter-Terrorism and the Los Angeles Police Department has the Counter-Terrorism and Special Operations Bureau.⁸⁴ While these cities are the second and third most populous in the US, we would expect that both their police departments and city councils bring less resources to this area than New York City. Comparing practices and dynamics across jurisdictions could be theoretically and pragmatically instructive, and study could be extended to medium-sized cities. Such research might also include interviews and surveys to better understand how council members think about and approach police oversight responsibilities. This will provide further insight into when, how and why legislators choose to exercise their oversight roles, enriching legislative oversight models while also identifying potential limits.

At the state – and in some cases city – level, the study of how intelligence fusion centres have been overseen by legislatures has also been lacking. There are now 80 fusion centres in the U.S., embedded mainly in state police agencies, which have been increasingly funded at the sub-federal level and have at times been at the centre of controversy.⁸⁵

More generally, and perhaps most importantly, the study of legislative oversight of local police agencies is an area that necessitates further examination. This is especially so in the face of emerging and rapidly advancing technologies, such as facial recognition and predictive policing technologies,⁸⁶ concerns about the militarisation of local police,⁸⁷ and the deeply problematic treatment of minorities – especially African Americans – that has been a recurring problem in US law enforcement. Scholars must play an important role in tracking local legislative oversight of police agencies, with the ultimate objective of bolstering democratic accountability, securing publics, and protecting civil liberties.

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Notes

1. Dahl, "Local Approaches to Counterterrorism"; and Nussbaum, "From Brescia to Bin Laden."
2. Dahl, "Local Approaches to Counterterrorism."
3. Apuzzo and Goldman, *Enemies Within*.
4. Apuzzo and Goldman, *Enemies Within*; and Dahl, "Local Approaches to Counterterrorism."

5. Apuzzo and Goldman, *Enemies Within*; Mishkin, "Filling the Oversight Gap"; and Patel and Price, *Unchecked NYPD Operations in Need of Oversight*.
6. Cheh, "Legislative Oversight of Police," 20.
7. Fine and Caras, "Twenty-Five Years of the Council-Mayor Governance of New York City."
8. Nussbaum, "From Brescia to Bin Laden."
9. Price, *National Security and Local Police*.
10. Mishkin, "Filling the Oversight Gap."
11. Nussbaum, "From Brescia to Bin Laden"; and Dahl, "Local Approaches to Counterterrorism."
12. See note 8 above.
13. Dahl, "Local Approaches to Counterterrorism"; Johnson and Hunter, "Changes in Homeland Security Activities since 9/11"; and Waxman, "Police and National Security."
14. Nussbaum, "Protecting Global Cities."
15. Cherney, "Community Engagement and Outreach in a Counterterrorism Context."
16. Waxman, "Police and National Security."
17. Rascoff, "The Law of Homegrown (Counter) Terrorism."
18. Dahl, "The Localization of Intelligence."
19. Ibid.
20. Quinn, "A History of Violence."
21. See note 2 above.
22. Ibid.
23. Ibid.
24. Ibid.
25. Apuzzo and Goldman, *Enemies Within*; and Elliott, "Fact-Check."
26. Dahl, "The Plots that Failed."
27. Nussbaum, "From Brescia to Bin Laden"; and Rose, *Interview with Police Commissioner Ray Kelly*.
28. New York City Police Department, *Improving Intelligence and Counterterrorism Capabilities*.
29. Ibid.
30. See note 8 above.
31. See note 2 above.
32. Dickey, *Securing the City*.
33. See note 3 above.
34. Apuzzo and Goldman, *Enemies Within*; and Comiskey, "Effective State, Local, and Tribal Police Intelligence."
35. See note 3 above.
36. Hauslohner, "NYPD Settles Third Lawsuit over Surveillance of Muslims."
37. New York Civil Liberties Union, "Second and Final Judge Approves Settlement on NYPD Muslim Surveillance."
38. Ibid.
39. Ibid.
40. See note 3 above.
41. See note 8 above.
42. Dwyer, "City Police Spied Broadly before G.O.P. Convention"; and New York Civil Liberties Union, "Policing Protest: the NYPD's Republican National Convention Documents."
43. See note 3 above.
44. The Pulitzer Prizes, "The 2012 Pulitzer Prize Winner in Investigative Reporting"; and Apuzzo and Goldman, *Enemies Within*.
45. Ibid.
46. Ibid.
47. Ibid., 87.
48. Apuzzo and Goldman, *Enemies Within*; and Brennan Center for Justice, "NYPD Announces End of Muslim Demographics Unit."
49. Francescani, "New York City Mayor Opposes New Oversight of Police"; and Patel and Sullivan, *A Proposal for an NYPD Inspector General*.
50. Brennan Center for Justice, "Brennan Center Applauds City Council for Overriding Mayor's Veto on NYPD Inspector General Bill."
51. Goodman, "City Council Votes to Increase Oversight of New York Police."
52. See note 10 above.
53. See note 9 above.
54. See note 5 above.
55. Opsal, "City Council Members, Civil Rights Advocates Press Conference puts Spotlight on NYPD Operations."
56. Patel and Price, *Unchecked NYPD Operations in Need of Oversight*, 2.
57. Attard, "Oversight of Law Enforcement is Beneficial and Needed."
58. See note 10 above.

59. See note 9 above.
60. Ibid.
61. Cheh, "Legislative Oversight of Police."
62. Waxman, "Police and National Security," 391.
63. See note 17 above.
64. See note 10 above.
65. Cayford, Pieters and Hijzen, "Plots, Murder, and Money."
66. Zegart and Quinn, "Congressional Intelligence Oversight."
67. Balla and Deering, "Police Patrols and Fire Alarms."
68. Ibid., 30.
69. See note 66 above.
70. Cordero, *Reforming the Department of Homeland Security through Enhanced Oversight & Accountability*.
71. Clinton, Lewis and Selin, "Influencing the Bureaucracy."
72. Zegart and Quinn, "Congressional Intelligence Oversight," 754.
73. Aberbach, "What's Happened to the Watchful Eye?"; Balla and Deering, "Police Patrols and Fire Alarms"; and Zegart and Quinn, "Congressional Intelligence Oversight."
74. Aberbach, "What's Happened to the Watchful Eye?"
75. See note 67 above.
76. See note 66 above.
77. See note 28 above.
78. Office of the Inspector General for the NYPD, *An Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity*.
79. McDonough, "Facial Recognition Controversy Spurs Push for Stalled NYPD Transparency Bill."
80. Diaz, "A Bill to Oversee 21st Century Police Surveillance"; and McDonough, "Facial Recognition Controversy Spurs Push for Stalled NYPD Transparency Bill."
81. Satter, "New York City Council Passes Police Surveillance Oversight Bill."
82. Patel and Sullivan, *A Proposal for an NYPD Inspector General*.
83. See note 61 above.
84. Chicago Police Department, "CPD Announces New Organization for Command Plan"; and Los Angeles Police Department, "Counter-Terrorism and Special Operations Bureau."
85. See note 18 above.
86. Ibid.
87. Dansky, "Local Democratic Oversight of Police Militarization."

Bibliography

- Aberbach, J. D. "What's Happened to the Watchful Eye?" *Congress & the Presidency* 29, no. 1 (2002): 3–23. doi:10.1080/07343460209507847.
- Apuzzo, M., and A. Goldman. *Enemies Within: Inside the NYPD's Secret Spying Unit and Bin Laden's Final Plot against America*. New York, NY: Atria Books, 2013.
- Attard, B. "Oversight of Law Enforcement Is Beneficial and Needed—Both inside and Out." *Pace Law Review* 30, no. 5 (2010): 1548–1561.
- Balla, S. J., and C. J. Deering. "Police Patrols and Fire Alarms: An Empirical Examination of the Legislative Preference for Oversight." *Congress & the Presidency* 40, no. 1 (2013): 27–40. doi:10.1080/07343469.2012.748853.
- Brennan Center for Justice. "Brennan Center Applauds City Council for Overriding Mayor's Veto on NYPD Inspector General." Accessed August 22, 2013. <https://www.brennancenter.org/press-release/brennan-center-applauds-city-council-overriding-mayor%E2%80%99s-veto-nypd-inspector-general>
- Brennan Center for Justice. "NYPD Announces End of Muslim Demographics Unit." Accessed April 15, 2014. <http://www.brennancenter.org/press-release/nypd-disbands-muslim-demographic-unit>
- Cayford, M., W. Pieters, and C. Hijzen. "Plots, Murders, and Money: Oversight Bodies Evaluating the Effectiveness of Surveillance Technology." *Intelligence and National Security* 33, no. 7 (2018): 999–1021. doi:10.1080/02684527.2018.1487159.
- Cheh, M. M. "Legislative Oversight of Police: Lessons Learned from an Investigation of Police Handling of Demonstrations in Washington, D.C." *Journal of Legislation* 32, no. 1 (2006): 1–21.
- Cherney, A. "Community Engagement and Outreach in a Counterterrorism Context." *Journal of Policing, Intelligence and Counter Terrorism* 13, no. 1 (2018): 60–79. doi:10.1080/18335330.2018.1432880.
- Chicago Police Department. "CPD Announces New Organization for Command Plan." Accessed January 30, 2020. <https://home.chicagopolice.org/cpd-announces-new-organization-for-command-plan/>
- Clinton, J. D., D. E. Lewis, and J. L. Selin. "Influencing the Bureaucracy: The Irony of Congressional Oversight." *American Journal of Political Science* 58, no. 2 (2014): 387–401. doi:10.1111/ajps.12066.

- Comiskey, J. "Effective State, Local, and Tribal Police Intelligence: The New York City Police Department's Intelligence Enterprise — A Smart Practice." Master's thesis, Naval Postgraduate School Center for Homeland Defense and Security, 2010.
- Cordero, C. *Reforming the Department of Homeland Security through Enhanced Oversight & Accountability*. Washington, DC: Center for a New American Security, 2020.
- Dahl, E. J. "The Plots that Failed: Intelligence Lessons Learned from Unsuccessful Terrorist Attacks against the United States." *Studies in Conflict & Terrorism* 34, no. 8 (2011): 621–648. doi:10.1080/1057610X.2011.582628.
- Dahl, E. J. "Local Approaches to Counterterrorism: The New York Police Department Model." *Journal of Policing, Intelligence and Counter Terrorism* 9, no. 2 (2014): 81–97. doi:10.1080/18335330.2014.940815.
- Dahl, E. J. 2020. "The Localization of Intelligence: A New Direction for American Federalism." *International Journal of Intelligence and Counterintelligence*. online first: 1–28. doi:10.1080/08850607.2020.1716563.
- Dansky, K. "Local Democratic Oversight of Police Militarization." *Harvard Law & Policy Review* 10 (2016): 59–75.
- Diaz, A. 2020. "A Bill to Oversee 21st Century Police Surveillance." *Brennan Center for Justice*, February 12. <https://www.brennancenter.org/our-work/analysis-opinion/bill-oversee-21st-century-police-surveillance>
- Dickey, C. *Securing the City: Inside America's Best Counterterrorism Force – The NYPD*. New York, NY: Simon & Schuster, 2009.
- Dwyer, J. 2007. "City Police Spied Broadly before G.O.P. Convention." *The New York Times*, March 25. <https://www.nytimes.com/2007/03/25/nyregion/25infiltrate.html>
- Elliott, J. 2012. "Fact-Check: How the NYPD Overstated Its Counterterrorism Record." *ProPublica*, July 10. www.propublica.org/article/fact-check-how-the-nypd-overstated-its-counterterrorism-record
- Fine, E., and J. Caras. "Twenty-Five Years of the Council-Mayor Governance of New York City: A History of the Council's Powers, the Separation of Powers, and Issues for Future Resolution." *New York Law School Law Review* 58, no. 1 (2013): 119–136.
- Francescani, C. 2012. "New York City Mayor Opposes New Oversight of Police." *Reuters*, June 13. <https://www.reuters.com/article/us-usa-newyork-police/new-york-city-mayor-opposes-new-oversight-of-police-idUSBRE85C1OX20120613>
- Goodman, J. D. 2013. "City Council Votes to Increase Oversight of New York Police." *The New York Times*, June 27. <https://www.nytimes.com/2013/06/27/nyregion/new-york-city-council-votes-to-increase-oversight-of-police-dept.html>
- Hauslohner, A. 2018. "NYPD Settles Third Lawsuit over Surveillance of Muslims." *The Washington Post*, April 5. https://www.washingtonpost.com/national/nypd-settles-third-lawsuit-over-muslim-surveillance/2018/04/05/710882b2-3852-11e8-9c0a-85d477d9a226_story.html
- Johnson, T. C., and R. D. Hunter. "Changes in Homeland Security Activities since 9/11: An Examination of State and Local Law Enforcement Agencies' Practices." *Police Practice and Research* 18, no. 2 (2017): 160–173. doi:10.1080/15614263.2016.1261253.
- Los Angeles Police Department. "Counter-Terrorism and Special Operations Bureau." n.d. https://www.lapdonline.org/inside_the_lapd/content_basic_view/6502
- McDonough, A. 2019. "Facial Recognition Controversy Spurs Push for Stalled NYPD Transparency Bill." *City & State New York*, August 6. <https://www.cityandstateny.com/articles/policy/technology/facial-recognition-controversy-spurs-push-for-stalled-nypd-transparency-bill>
- Mishkin, B. S. "Filling the Oversight Gap: The Case for Local Intelligence Oversight." *New York University Law Review* 88, no. 4 (2013): 1414–1448.
- New York City Police Department. "Improving Intelligence and Counterterrorism Capabilities." Accessed June 26, 2020. <http://www.nyc.gov/html/nypd/html/home/POA/pdf/Terrorism.pdf>
- New York Civil Liberties Union. "Second and Final Judge Approves Settlement on NYPD Muslim Surveillance." Accessed March 21, 2017. <https://www.nyclu.org/en/press-releases/second-and-final-judge-approves-settlement-nypd-muslim-surveillance>
- New York Civil Liberties Union. "Policing Protest: The NYPD's Republican National Convention Documents." Accessed June 26, 2020. <https://www.nyclu.org/en/policing-protest-nypds-republican-national-convention-documents>
- Nussbaum, B. "Protecting Global Cities: New York, London and the Internationalization of Municipal Policing for Counter Terrorism." *Global Crime* 8, no. 3 (2007): 213–232. doi:10.1080/17440570701507745.
- Nussbaum, B. "From Brescia to Bin Laden: The NYPD, International Policing, and 'National' Security." *Journal of Applied Security Research* 7, no. 2 (2012): 178–202. doi:10.1080/19361610.2012.656251.
- Office of the Inspector General for the NYPD. *An Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity*. 2016. New York: City of New York.
- Opsal, E. 2011. "City Council Members, Civil Rights Advocates Press Conference Puts Spotlight on NYPD Operations." *Brennan Center for Justice*, October 6. <http://www.brennancenter.org/press-release/city-council-members-civil-rights-advocates-press-conference-puts-spotlight-nypd>
- Patel, F., and M. Price. *Unchecked NYPD Operations in Need of Oversight*. New York: Brennan Center for Justice, 2011.
- Patel, F., and A. Sullivan. *A Proposal for an NYPD Inspector General*. New York: Brennan Center for Justice, 2012.
- Price, M. *National Security and Local Police*. New York: Brennan Center for Justice, 2013.

- Pulitzer Prizes. "The 2012 Pulitzer Prize Winner in Investigative Reporting." Accessed June 26, 2020. <https://www.pulitzer.org/winners/matt-apuzzo-adam-goldman-eileen-sullivan-and-chris-hawley>
- Quinn, M. "A History of Violence: A Quantitative Analysis of the History of Terrorism in New York City." *Homeland Security Affairs* 12 (2016): Article 4.
- Rascoff, S. J. "The Law of Homegrown (Counter) Terrorism." *Texas Law Review* 88, no. 7 (2010): 1715–1749.
- Rose, C. 2006. "Interview with Police Commissioner Ray Kelly." The Charlie Rose Show, October 8.
- Satter, R. 2020. "New York City Council Passes Police Surveillance Oversight Bill." *Reuters*, June 18. <https://www.reuters.com/article/us-minneapolis-police-surveillance/new-york-city-council-passes-police-surveillance-oversight-bill-idUSKBN23P300>
- Waxman, M. C. "Police and National Security: American Local Law Enforcement and Counterterrorism after 9/11." *Journal of National Security Law and Policy* 3, no. 2 (2010): 377–407.
- Zegart, A., and J. Quinn. "Congressional Intelligence Oversight: The Electoral Disconnection." *Intelligence and National Security* 25, no. 6 (2010): 744–766. doi:[1080/02684527.2010.537871](https://doi.org/10.1080/02684527.2010.537871).